

**EXHIBIT 6 TO DECLARATION OF DEBRA C. BROOKES**

August 9, 2013

[ODFI]  
[Address]  
[Address]

**RE: Origination Activity for Payday Lenders**

Dear [ ]:

This letter relates to the ACH origination activity of [**bank name**] (“**Bank**”) for payday lenders, in particular one or more of the payday lenders listed on Exhibit A to this letter (the “Payday Lenders”). As an Originating Depository Financial Institution, Bank represents and warrants that each ACH debit it originates in the network has been properly authorized (Rule 2.4.1.1). An authorization that is invalid under applicable law does not satisfy this requirement. (Rule 2.3.2.3). Accordingly, purported authorizations to pay illegal loans that are unenforceable under applicable state law do not constitute valid authorizations under the NACHA Rules. Origination of ACH debits on the basis of invalid authorizations is a serious matter that has adverse impacts on the Receivers of the debits, on the applicable Receiving Depository Financial Institutions and on the network overall. Furthermore, such origination activity exposes the Bank to returned Entries, warranty and indemnity claims, and sanction under NACHA’s National System of Fines, as well as the possibility of claims outside of the NACHA Rules.

Attached as Exhibit B to this letter is correspondence that we received from the Department of Financial Services of New York State (“DFS”). As you can see, the DFS believes that the Payday Lenders, among others, are engaged in illegal lending to New York state consumers and has sent cease and desist letters to those organizations. If such allegations are correct, then origination of ACH debits to the account of New York consumers for such loans would violate the NACHA Rules. You should also be aware that many other states have similar requirements which may result in similar violations.

In light of the allegations of the DFS, it is imperative that you immediately review your origination activity for the Payday Lenders and terminate any origination that would otherwise violate the NACHA Rules. Please advise us in writing no later than August 23: (a) whether you have determined to terminate origination for the Payday Lenders, (b) if so, the date that such termination will be effective, and (c) if not, the basis for your determination that continued origination for such Payday Lenders is permissible and appropriate. If you do not originate ACH activity for any of the Payday Lenders, please confirm this in writing, again no later than August 23.

\* \* \*

We appreciate your cooperation in this important effort to stamp out the use of the ACH Network for illegal purposes. If you have any questions regarding the foregoing, please do not hesitate to call me at 703-561-1100.

Sincerely,

Jane Larimer  
Executive Vice President and General Counsel  
NACHA

## **Exhibit A**

### **Payday Lenders**

ABJT Funding, LLC d/b/a Dollar Premier  
Advance Me Today  
American Web Loans  
Archer Direct, LLC  
Bayside Loans  
BD PDL Services, LLC d/b/a Bottom Dollar Payday  
Blue Sky Finance, LLC d/b/a ExtraFunds Cash  
BS Financial Group Inc. d/b/a Payday Accelerated  
Cash Jar  
Cash Yes  
Discount Advances  
DMA Financial Corp. d/b/a VIP Q-Loot  
Eastside Lenders, LLC  
Fast Cash Personal Loans  
Golden Valley Lending  
Government Employees Credit Center, Inc. d/b/a Cash Direct Express  
Great Plains Lending, LLC  
Horizon Opportunities, LLC d/b/a Lifestyle Services  
Loan Point USA Online  
MNE Services, Inc. d/b/a AmeriLoan, UnitedCashLoans, US Fast Cash, 500 Fast Cash  
MobiLoans, LLC  
MyCashNow.com, Inc.  
National Opportunities Unlimited, Inc. d/b/a Itsmypayday.com, TheCashSpot.com  
Northway Broker Ltd. d/b/a Zip19  
PayDayMax, Ltd.  
Peak 3 Holding, LLC d/b/a iCashLoans  
Plain Green, LLC  
Red Rock Tribal Lending, LLC d/b/a CastlePayday.com  
SCS Processing d/b/a Everest Cash Advance  
SFS, Inc. d/b/a One Click Cash, Preferred Cash Loans  
Sonic Cash  
Sure Advance, LLC  
Tribal Credit Line d/b/a Quick Credit 911  
United Consumer Financial Services, Inc. d/b/a EZPaydayCash  
Western Sky Financial, LLC

**Exhibit B**

The following pages contain Exhibit B, the correspondence to NACHA received from the Department of Financial Services of New York State.